IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF AUGUST
TWO THOUSAND AND SEVEN

PRESENT
THE HON'BLE MR. JUSTICE S.ANANDA REDDY

WRIT PETITION No. 25824 of 2002

Between:

M/s. Navatha & Brothers, Parkal villae & Mandal,
Warangal district, rep. By its Proprietor
Sri N. Venkateshwarlu.

..... PETITIONER

AND

The Joint Director of Agriculture,
Warangal, Warangal District & two others

....RESPONDENTS

THE HON'BLE MR. JUSTICE S.ANANDA REDDY

WRIT PETITION No. 25824 of 2002

ORDER:

This writ petition is filed by the Petitioner aggrieved by the order passed by the 1st Respondent, dated 09.12.2002, canceling the license granted to the Petitioner to deal with the pesticides.

2. It is stated that the Petitioner was carrying on business as a dealer in pesticides. However, on certain alleged irregularities, a show cause notice dated 21.11.2001 was issued by the 1st Respondent-licensing Authority for which the Petitioner stated to have been submitted his explanation within the time specified therein, and after one year of the said explanation, the impugned order dated 09.12.2002 was passed, observing that the explanations submitted by the Petitioner firm are not convincing and therefore, cancelled the license that was granted to the Petitioner. Aggrieved by the same, the Petitioner filed the present writ petition.

3. A counter is filed by the Respondents disputing and denying the allegations made by the Petitioner. In the counter

it is stated that the explanation offered by the Petitioner is not convincing for both the 1st Respondent as well as the Commissioner. Therefore, the Respondents sought to sustain the impugned order.

4. The learned counsel for the petitioner contended that the 1st Respondent is the licensing authority, who has to pass an order on the show cause notice issued by him considering the explanation offered by the Petitioner. But, the 1st Respondent instead of deciding the issue on his own, relied upon the decision of the Commissioner, and canceled the license of the Petitioner. The impugned order passed by the 1st Respondent is not of his own, and therefore, the learned counsel sought to set aside the same.

5. Heard both the learned counsel and considered the material on record.

6. Since the 1st Respondent did not apply his mind to the explanation offered by the Petitioner, and passed the impugned order, as if the explanation was not satisfactory to the Commissioner and Director of Agriculture, the impugned order is liable to be set aside, and the same is accordingly set aside.

7. The writ petition is accordingly allowed. No costs.

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S.ANANDA REDDY.J

Dated. 09..08..2007
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THE HON'BLE MR. JUSTICE S.ANANDA REDDY

WRIT PETITION No. 25824 of 2002

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Dt. 09..08..2007